H. B. KINGSLEY'S BODY FOUND

TAKEN FROM HARLEM RIVER; SURELY IDENTIFIED.

Man From Rutland, Vt., Disappeared Here Last Nevember-Many Clues Followed in Vain-Corpse Unrecognizable, but Jewelry and Papers Leave No Doubt.

The body of Henry Baxter Kingsley, who has been missing since Nov. 14, was found last evening in the Harlem River. Richard Meehan, a boatman, saw a badly decomposed body floating opposite 157th stret about 7:30 o'clock. Meehan with great difficulty towed the body ashore to the foot of 154th street. He said that the blackened and swollen corpse was in such condition that he had to tow it along cautiously.

As he neared the shore Meehan called out to Policeman Steppe who was on post nearby and the policeman secured a lantern. On the body were a large diamond ring, a diamond scarf pin and a valuable gold watch. Policeman Steppe lost no time in notifying Capt. Halpin of the West 152d street station, and a patrol wagon was soun

It was clad in a heavy winter overcoat dark suit, red striped shirt, black laced shoes and socks. What heir remained i the head was black. The body was apparently that of a man 35 years old, 5 feet 8 inches in height and weighing about 150

at the shore. The corpse was taken to the

pounds. Capt. Halpin hurriedly searched through a lot of papers on file in his office and selected an alarm sent out in November of last year. It was the alarm for Henry Baxter Kingsley of Rutland, Vt., who dis appeared so strangely after it was supposed he had started from this city on Nov. 14 for his home. The description furnished the police tallied exactly with the corpse.

On the right hand of the body was a plain gold ring engraved "H. B. K." In the inner coat pocket was found a wallet containing \$90 and several papers. Among the latter, although watersoaked and blurred, the police found three membership cards of the New York Athletic Club for 1901-02-03, made out to H. B. Kingsley.

The fine gold watch found on the body was engraved "L. G. K. to C. L. K. June 14. 1865." It was numbered 1878 and under this numbering was a small figure 4. This was particularly specified by the police at the time they sent an alarm to all parts of the country in November last. "L.G.K." who had presented the watch is the dead man's father, Gen. Levi G. Kingsley.

The West 152d street police were satisfied that they had found the man for whom the police of the entire country had been searching for half a year and for the recovery of whose body a reward of \$10,000 had been offered.

The body was in a horrible state. If Kingsley was murdered and thrown into the river, it will take an expert physician skilled in performing autopsies, to determine the fact. The police are inclined to the theory that the body was either weighted and sunk in the river after death or had become lodged under some obstruction.

They say that no corpse could be held fast in the Harlem River mud owing to the action of the tide, which stirs it up continually. To prove the correctness of their theory the police cite the case of Adolph Oppenheim, who threw himself headlong from High Bridge and sank deep in the mud at low tide. The body arose to the surface in a short time.

On Kingsley's left hand was a ring set with a large diamond and two smaller stones. In the necktie was a scarfpin set with three diamonds. In addition to the valuable gold watch there was found in a vest pocket an open-faced, gun metal watch. It was engraved "C. L. K."

The gold watch stopped at 6:45, while the last time registered by the other timepiece is 7:20. In one of the pockets the Meehan says that he was standing on

the bow of his father's scow, watching Charles R. Flint's turbice yacht Arrow pass up the river, bound for the repair docks a Morris Heights. The propellers of the Arrow, Mechan says, churned up the water. and after she had passed the body shot up to the surface. On the corpse were also found two pocket

knives, a gold encased lead pencil, a founpouch. Two trass baggage checks of the New York, New Haven & Hartford Railroad, numbered 409 and 442, were also found. The body was removed late last night

to the Harlem morgue. Coroner Jackson, who has charge of the case, sent word to the morgue keeper that he would view the body this merning and would in all probability order an autopsy performed. Richard Meehan, who found the body

and will claim the \$10,000 reward offered for its recovery, is the son of John Meehan. the scow captain who recovered Adolph Openhym's body and received the reward of \$5,000 offered for its recovery. The two bodies were found in almost the same spot. The disappearance of Kingsley has been

a mystery which the police have tried to solve with almost no result since last November. It was on November 14 that he was last seen by any of his friends.

Kingsley was the eldest son of Major Levi T. Kingsley, who is a well known resident of Rutland, Vt. He and his younger brother Harvey were devoted to their father and took turns nursing him. Three weeks before he disappeared Kingsley came to visit his cousin, Hugh H. Baxter, at the latter's country place on the Pelham Road at New Rochelle. On November 13 Mr. Baxter got up a little party to attend the Yale football game at New Haven the next day and Kingsley joined in. The party came here from New Rochelle on Friday and spent Friday night in this city.

The next morning Kingsley decided that he wouldn't go to the football game, but, instead, would leave for Rutland, where his father was then ill. He bought a ticket for Rutland at 10 o'clock that morning at the Grand Central station and checked his

the Grand Central station and checked his trunk there. That was the last his cousin or any of his friends ever saw of him.

Kingsley had told them that he would take the 12:10 train on Sunday morning, the day following, for Rutland. It was found that he visited a hat store at 11 o'clock Saturday morning, and there all trace of him ended for several days.

When Kingsley did not turn up at Rutland, inquiries were made and finally Alexander T. Mason, his lawyer, asked the police to look for him. At first it was thought that he might have met with foul play on the day his friends parted from him. Later, however, it was directed the head been in this city as late as the Tuesday following, as on that day he went to a book store and bought some books, which he ordered to be sent to Rutland. It was only when the books arrived there that the fact that he had been at the book store three days after he was to rave started for Rutland became known. Why Kingsley did not telegraph his father and let him know he was not going to start when he intended remained a mystery.

mastery.

To those who saw him in the book store he appeared to be possessed of all his faculties and there was nothing unusual in his appearance. His movements from the time he left the book store on that Tuesday were never learned, although the family, acting through Mr. Mason, made every

effort to discover traces of him both by means of the police and private detectives. At first a reward of \$500 was offered. Last May this was raised to \$10,000.

Kingleey's body was reported to have been found at Nyack and several other places, but all the reports proved to be false. Shortly after the reward was raised, however, a Miss Hall of Paterson came forward with information about three men who had hired a room at her house, one of whom corresponded with the description of Kingsley. Her story was that the three men had come there about a week after Kingsley's disappearance and had spent only twenty minutes in the room. One of them left a card reading "Henry Baxter."

Miss Hall identified the picture of Frank L. Stuart in the Rogues' Gallery, and Stuart, who has a reputation as a crook, was arrested on June 24 last. Although Miss Hall identified him positively as one of the pair with the man she believed to be Kingsley. Stuart denied that he had ever seen last the strength of the pair with the man she believed to be Kingsley. Stuart denied that he had ever seen last the trace of the pair with the man she believed to be Kingsley. Stuart denied that he had ever seen last the trace of the pair with the man she believed to be Kingsley. Stuart denied that the had ever seen last the trace of the pair with the man she believed to be Kingsley. Stuart denied that he had ever seen last the trace of the pair with the man she believed to be Kingsley. Stuart denied that he had ever seen last the trace of the pair with the man she believed to be Kingsley. Stuart denied that the head ever seen last the trace of the pair with the man she believed to be kingsley. Stuart denied that the head ever seen last the trace of the pair with the man she believed to be kingsley. Stuart denied that the head the pair with the man she believed to be kingsley. Stuart denied that the head the pair with the man she believed to be kingsley. Stuart denied the pair with the man she believed to be kingsley. Stuart denied the pair with the man

pair with the man she believed to be Kings-ley Stuart denied that he had ever seen her before or been at her house at Pater-son. He was held for examination and later released. THIEF'S MISPLACED COURAGE. Paley Will Take Fifteen Years Rather Than

Tell Accomplice's Name. David Paley, a young Russian immigrant, stands a good chance of going to jail for fifteen years unless he loses the nerve he has displayed so far. He pleaded guilty yesterday in General Sessions to robbery n the second degree.

Paley admitted that on May 2 he and ompanion robbed Miss Fannie Fisherman, a clerk employed by Maurice Epstein of 420 Broadway, of \$525. The young woman was going to the bank with the money when they dragged her into a ballway and tool they dragged her into a ballway and took
the money. Paley's accomplice got away.
"I'm going to remand you for a week,"
said Judge Cowing. "Unless you give the
name of your companion when this girl
was robbed and he is apprehended and
restitution is made to this girl, I will impose
upon you the maximum penalty for this
offence, which is fifteen years. The only
way to save yourself is to tell."
"He ran away and I don't know where
he is." said Paley, sullenly.

he is," said Paley, sullenly.

"You're a sample of what Russia has been sending over here," said Judge Cowing.

"You haven't been here long and your record is very bad." Paley was led away, refusing to tell the name of his companion.

"I'd go to the chair first," he said.

SISTER FRANCIS ARRESTED. Mount Vernon Woman Acouses Her o Petit Larceny.

"Sister Francis" McCormick who has been running an industrial home in the old House of All Nations, at 111 West Thirtysecond street, and was disposes ed from there on Tuesday, got into more trouble yesterday. She was arrested by Sergt. Farrell of the Jefferson Market Court squad on a warrant sworn out by Mrs. Wienall of 64 Adams street, Mount Vernon, charging

her with petit larceny.

"Sister Francis" came into prominence
through her mission some months ago,
when she wanted the Catholic Church authorities to permit mass to be celebrated in her place and showed some priests how proper it was. They were rather shooked to find that nothing had been done to change the decorations and interior of the famous

They refused to allow mass to be said and said she wasn't a sister. On July 6 four women appeared as complainants against the "sister" in the West Side court and each of them asserted that the "sister" had money of hers, ranging from \$300 to \$1,000. When arrested yesterday she gave her address as 104 West Forty-sixth street.

SLEUTHS' KEEN NOSES.

Young Ed Rooney With Annexed Rig Captured on Inspiration.

Fourteen-year-old Edward Rooney had good horse and carriage on Tuesday. They weren't his by any right except that of discovery and in order to get them off his hands he offered them to Abraham Goldberg of 264 Division street at a great sacri-fice. Mr. Gold berg refused to be tempted by the offer of a \$250 rig for \$40, and before the young financier could negotiate with anybody else he was in clutches of the

He was in the Children's Court yesterday, the last time registered by the other time-piece is 7:20. In one of the pockets the police found a silver snuffbox engraved police found a silver snuffbox engraved contractor, standing invitingly at Lexing-ton avenue and Twenty-fourth street, and climbed in. He was tooling through Di-vision street when Detective Sergeants Millmore and Butler observed him. With-out knowing why, they say, they scented something wrong.

DUGAN'S FOURTEENTH RESCUE. Policeman Helped Him Get Unconscious Boy Out of East River.

Twelve-year-old John McDermott of 517 First avenue, in trying to circle the tain pen, a lunch of keys and a tobacco crowd waiting for the Greenwich boat on the East Thirty-first street pier yesterday afternoon, fell over the edge. His head struck a stringpiece, and he landed in the

water unconscious.

John Dugan of 732 Second avenue, life-John Dugan of 732 Second avenue, literature and superintendent of the dock, jumped in and was having trouble with the boy when Policeman Maroney of the East Thirty-fifth street station, plunged in and helped get him ashore.

When Mrs. McDermott heard of the accident an hour later she rushed ex-

accident an hour later she rushed excitedly to the pier and found her son plunging around merrily in the floating bath.
Yesterday's rescue made the fourteenth for Lifesaver Dugan. He hauled out an who attempted suicide ks ago.

M'KAY DECLARED CHIEF.

North Shore, S. I., Fire Representatives Give Him Office on Recount of Ballots. An adjourned meeting of the board of representatives of the North Shore Fire Department was held in Port Richmond last evening to receive the report of the committee appointed several weeks ago to canvass the vote of the annual election for chief last May and to inquire into the protest filed by Joseph P. McKay, one of the candidates, against the vote of Union Hose Company No. 8 of West New Brighton, which has the biggest membership of any company in the department.

company in the department.

The board by a vote of 28 to 12 rejected the entire vote of Union Hose Company, and declared McKay elected chief engineer by a majority of 114 over John F. Donovan, his opponent, who was declared elected after the vote had been counted in May.

SAY THEY BEGGED FOR A CHURCH One of a Band of 11 Women Caught and Sent to the Island.

Julia Terry, a colored woman, was sent to the Island for six months yesterday in to the Island for six months yesterday in the Jefferson Market police court. Her arrest and conviction was brought about by Director James Forbes of the Charity Organization, who found that she and ten other women had been collecting money from business men in Fifth and Sixth avenues for a colored Baptist church. Another woman, who was with her yesterday when Detective Barry picked her up on Sixth avenue, ran away.

Bather Stricken With Heart Disease Wallace Meyer, 23 years old, of 678 McDon wallace Meyer, 25 years old, of 678 McDonough street, Brooklyn, went in bathing
with a friend shortly after 6 o'clock last
night off the Captain's Pier at Bath Beach.
After being in the water a few minutes he
was seen by the crowd on the pier to throw
up his hands and sink. His body was recovered after an hour's search. Dr. William Moynan of 32 West Thirty-sixth street
examined the body and found that Meyer
had died from heart disease.

Milwaukee Buying Up Chicago Cattle. MILWAUKER, Wis., July 18.-Milwaukee packers are not affected by the strike.

These men are the Swedes Charles Victor Johnson and Oscar Dahlgren, whose arrests quickly followed the discovery of the double murder on Tuesday and were made as the result of their own drunken statements and accusations against each

These accusations were repeated under highly dramatic circumstances in the private room of Capt. Harkins of the Adams street station between 1 and 2 o'clock yesterday morning. Both Johnson and Dahlgren were spluttering drunk when they did the talking on Tuesday which led to their arrest, and Capt. Harkins was anxious to hear what they would have to say for themselves after sobering up.

Johnson was the first one brought into the room. He was still red eyed and puffy faced from his debauch, but his wits were clear enough and he told a straightforward story, which, if believed in its entirety, can have no other result than to send hi friend, fellow countryman and boon companion to the electric chair.

On the other hand, the man thus accused told a story, which, if accepted by a jury, will send the accuser to his death. The police incline to the belief that Johnson and Dahlgren are equally guilty, that Van Buskirk was likewise a party to the origina plot to kill and rob the miser, and was himself in turn done to death by his fellow murderers to make sure that he would not do any dangerous talking.

There were a number of persons in Capt. Harkins's room when Johnson was brought in. He is a stout, stocky, stolid type of Scandinavian, and was cool enough until, toward the close of his story, his chum, Dahlgren, was brought in. Then both prisoners became intensely excited and probably would have got at each other's throat had they not been kept the width of the room apart. As it was, they confined their violence to language. Johnson called Dahlgren a liar. Dahlgren called Johnson a liar. Both were now sober enough to realize their positions.

Of the two, Johnson's version of the crime was considered more circumstantial and better constructed than Dahlgren's. He said:

Dahlgren told me he was going to do up Abbott. He showed me a pistol and hid it under the stable because it was too big to carry. Saturday I had won \$24 shooting craps and was fixed for a good time. That night I was in the alley near Abbott's

stable. I saw Van Buskirk and Dahlgren go into the stable about 1 o'clock in the morning (Sunday). Soon after that I heard a pistol shot and there was a dog barking. After that I saw Dahlgren and Van Buskirk moving about in the stable. They had a and were passing up bundles from inside the entrance to Abbott's place The bundles contained clothing. I know

which I had becked with Abrott for 25 cents, was in one of them and Dahlgren gave it to me on Monday.

Dahlgren and Van Buskirk were around all that night drinking. They had whiskey in a big bottle. They gave me some and I

they contained clothing because my coat

drank it. I wanted beer, but it was Sunday and we couldn't get it. I went to Coney Island on Sunday with Charley Olesen. I had the money I had won at craps Saturday night, and I paid Olesen's expenses and bought him a hat, a shirt and a necktie. Dahlgren stayed in Brooklyn with Van Buskirk. On Monday Dahlgren told me he had fixed old man Abbott. He said his shirt

ings to get rid of it and get another. He lodged at 178 Fulton street. I went there with him, but did not go in. He had another shirt on when he came out. We were around drinking all day. I did not see Abbott that day (Monday). We were in the alley, and Dahlgren told me to go into the junk shop and get money out of a box that was on the floor. I told him I was afraid of the spring guns, and wouldn't go. He said it go," Dahlgren said, "and you stay right there tracks while I'm gone-well, remember

where you stand. If you move from your I was afraid of him. He is bigger and stronger than I am and I knew he would do anything. So I stayed where he left me. Pretty soon he came out with a handful of silver money. I do not know anything about the murder, except that Dahlgren was in and out the stable, and that on Sunday morning at about 1 o'clock, when he and Van Buskirk were in the junk shop, I heard the shot and did not see Mr. Abbott after that.

did not see Mr. Abbott after that.

In substance Dahlgren said:
If anybody killed Abbott, it was Johnson. He told me on Saturday he was going to fix him, and he showed me a revolver. It was not that one (pointing to the revolver found near Van Buskirk's body, which was lying on Capt. Harkins's desk. It was a longer one with a brown handle and broken at the butt. He went into the stable Saturday afternoon, and when he came out he said he had fixed the old man. He showed me a lot of money. I saw a fifty dollar bill, two twenties and two ten dollar bills. He lies when he says I went into the junk shop with Van Buskirk at 1 o'clock Sunday morning. He lies when he says I killed either of them. He is a liar, and his story is all lies.

At this point Johnson broke in. "You are a liar," he said.

"Johnson wanted me to go to the country

are a liar," he said.
"Johnson wanted me to go to the country
with him on Monday," continued Dahlgren. "You lie," roared Johnson.
"You are a liar yourself," retorted Dahl-gren. Then he continued:

gren. Then he continued:

He wanted me to go to the country with him. He made up a bundle of clothes to go and was determined I should go with him. He lies when he says I gave him the watch that was found on him. I don't know why he wanted me to go to the country with him. I had nothing to do with killing Mr. Abbott and I don't know how Mr. Van Buskirk was killed. All I know is that Johnson said he would fix the old man and that he went into the junk shop and when he came out he said he had done it and showed me a lot of money. Johnson and Dahlgren were arraigned Johnson and Dahlgren were arraigned before Magistrate Tighe in the Adams street police court yesterday. Both pleaded not guilty. They will have no opportun-ity of communicating with each other, and between now and July 21, the day set for their hearing, each will be questioned

again.
Capt. Harkins caused a search to be made yesterday afternoon of 178 Fulton street, where Dahlgren had his lodging, and in the basement found a shirt with marks on it which appear to be blood stains and which will be subjected to chemical

examination.
Wild rumors were affoat yesterday about

wild rumors were afloat yesterday about vast hordes of money stowed away in the inconceivably confused mass of rubbish heaped up in Abbott's junk shop. Walter Thorn, whose office is in the Arbuckle Building, and who was counsel for Abbott in the foreclosure proceedings when his house in Pearl street was sold, said he did not believe that a sale of all Abbott's possessions would bring \$200.

"He tried desperately hard," said Mr. Thorn, "to meet the mortgage, and appealed to relatives and friends to help him. But his relatives had helped him time and again, and it had been of no avail."

The property on which the junk shop stands belongs to Abbott's widow. She has been for about two years at Asheville, N. C., and a telegram was received from her yesterday that she would be in Brooklyn to-day. A postal card from her to her husband, dated Asheville, July 11, was brought to the junk shop has yesterday afternoon.

Justice to grant the street and decided

MRS. ABBOTT ARRESTED For Debt-Had to Sell Effects to Get Money

to Come to New York. ASHEVILLE, N. C., July 18 .- Just before Mrs. George F. Abbott, wife of the murdered Brooklyn junk dealer, left to-day for New York she was served with a warrant of arrest by a creditor, who had her trunk attached, but friends interceded and

trunk attached, but friends interceded and Mrs. Abbott was allowed to go on her way. She will reach New York to-morrow morning over the Pennsylvania road.

In order to raise money for her railroad expenses, Mrs. Abbott was forced to sell all of her personal effects, which went for a mere pittance. She sold her sewing machine for \$2. Since Mrs. Abbott came to Asheville with an invalid son, who has since died, she has depended mainly upon charity for her support. The Flower Mission here has contributed largely to her aid. Her husband wrote to her often, but did not help her; now and then he would send her a few dollars. Mrs. Abbott was a clairvoyant, and was known as Madame Monk. She is 60 years old.

AUTO HIRE AT \$4 A MINUTE. Cost Party \$96 to Beat Coroner Campbell

to the Wreck. PATERSON, N. J., July 13.-Trouble between County Physician McBride and a Coroner of Paterson, N. J., named Nicholas Campbell, was the cause of costing the County Physician, Cordner J. Mortimer Blauvelt and two New York newspaper men \$4 a minute for a twenty-four minute ride in an auto last Sunday to the Midvale railroad wreck. At least the bill was made out at that rate.

For three months past every death in Passalo county which has required an inquest has been the cause of friction between Campbell and Dr. McBride. Campbell has not had a case for such a long time that his time honored position has become merely an honorary one. Last Sunday the news of the Midvale

wreck did not reach Paterson until after 1 o'clock. The County Physician heard it while at dinner in a restaurant. A news-

paper man came in and said:

"There is a big accident on the Greenwood Lake road and Nick Campbell has gone up to take charge of it."

The doctor called up Andy Fletcher's

"Auto Shop"

"Auto Shop."

"Say, Andy," said McBride, "there is an accident at Midvale. I want the fastest auto you have in the shop."

Blauvelt was reached and he and the doctor were upon the point of departing when two newspaper men from New York hove in sight and asked to be taken along.

The auto was eating up the last mile of the Wanaque road when Campbell was discerned in the foreground. Unwittingly he turned out to let the auto pass.

"Hello, Nick," cried Dr. McBride, "there's a big wreck at Midvale. Are you going—" but all other words were lost.

Until yesterday the joke was thought to be on Campbell. Then Blauvelt got the bill for the auto. It was \$96. Each man who rode in the car was assessed \$24. One of the newspaper men paid up, but the doctor, the Coroner and the other reporter disputed the bill.

GETTING WRECK WITNESSES. Inquest Into Midvale Disaster Will Be Held Next Monday.

PATERSON, N. J., July 13.-The inquest into the Midvale wreck, which occurred last Sunday on the Greenwood Lake division of the Erie Railroad, and in which sixteen excursionists were killed and fifty others injured, will be held on Monday morning next at 11 o'clock in the Passaic County Court House.

The greater number of witnesses will come from New York and Hoboken. Residents of Midvale, who were early on the scene of the wreck, the railroad men and signal operators at Pompton and Midvale and officials of the road will also be present. Work has been begun on a model of the block signal system and the semaphore block signal system and the semaphore arms in use on the Greenwood Lake road.

Coroner Blauvelt is working hard to bring out all the evidence possible. He went to Hoboken and New York to-day to see some of the witnesses. He was assisted by H. G. Myers, president of the First Plattdeutscher Verein, which held the illfated excursion, in securing the names of those who were in the wreck.

The Prosecutor's office is also securing all the evidence possible, but Mr. Emley

has decided to take no action until after Monday next.

The funerals of four Hoboken victims of the wreck were held yesterday. The flags on the City Hall and other public buildings were at half mast. Those who were buried were William Lane, William Wedemeyer, William Mendeknecht and George Scherer. The funeral of eleven-year-old Walter Horweedle of New York avenue, Jersey City, who was killed in the wreck, was also he d vesterday. he d yesterday.

CALL RYE BEACH A NUISANCE. Residents Petition Health Board to Stop

the Continuous Noises. RYE BRACH, N. Y., July 18 .- The wealthy land owners and residents of Lounsbury Park here, are complaining of what they term nuisances at the Coney Island of Westchester county and southwestern

Westchester county and southwestern Connecticut. The beach is the resort of hundreds of people, and the amusements provided seem to be the object of the ill will of the objectors.

They have prepared a petition to the Board of Health of Westchester county which sets forth in substance certain "nuisances" at Rye Beach as follows:

A merry-go-round with music, a shooting gallery, a dancing pavilion, and the loud shouting of the attractions by the barkers—all of which have been in operation everyday and night for the past two seasons. The petition says that the monotonous, never-ending noise emanating from that never-ending noise emanating from that attachment to the merry-go-round (pre-sumably a music box) is frightful. It de-stroys peace by day and sleep by night, and "constitutes an unbearable and unhealth-

ful nuisance."

The target in the shooting gallery, it continues, makes a sounding board which throws the noise so that it can be heard for a great distance, the sound of each shot being taken up as the other dies out, making it impossible to rest or sleep.

On these grounds the Board is requested to abolish the nuisances complained of, which the petition avers depreciates property and are classed as nuisances in every erty and are classed as nuisances in every act passed by all the health boards of the United States during the past twenty years.

BOY CINDERELLA.

His Ambition to Be a Gentleman-Sent to Juvenile Asylum. small crowd of the neighbors of Mr.

and Mrs. Wagenstein of \$20 East 102d street were in the Children's Court yesterday to prove that 11-year-old Benjamin Gold berg, the son of Mrs. Wagenstein, and stepson of her present husband, should be removed from them and put into some institution. Justice Druel, after hearing the mother and the boy, committed the lad to the New York Juvenile Asylum.

Young Goldberg was left by his mother in Russia when he was three months old. She had married again, and came to America. Since then she has had three other children. A year ago she sent for the boy. The neighbors claim that the boy has been treated with great cruelty. Mrs. Wagenstein claims he is incorrigible and a thief. "He stole pennies to buy candy," she said, "and I never could tell where he was."

"Stole pennies for candy!" exclaimed berg, the son of Mrs. Wagenstein, and

"and I never could tell where he was."

"Stole pennies for candy!" exclaimed Mrs. Kopper, who lives in the same house.

"If he got a penny he was more likely to spend it for bread."

Miss Margaret Gonly, the daughter of the landlord, who lives on the same floor with the Wagensteins, said: "All winter the little boy was around without shoes or stockings, and only a thin coat and no underclothes. The other children were well cared for. Now he is given thick clothes, while the others are cool. He is a good boy, but he had no chance there. He said to me the other day." If I stay at home I'll never be a gentleman." It's too had."

Biomittings . December of

JEROME LAW HELD TO BE VALID

LEWISOHN MUST TELL ABOUT GAMBLING AT CANFIELD'S

the Court of Appeals Takes the Sam View as Three Out of Five Judges of Appellate Division—Had Court Been Unanimous He Would Have Yielded.

The Appellate Divison of the Supreme Court decided yesterday by a vote of 3 to 2 that the Dowling bill, or Jerome law, passed by the last Legislature is constitutional, and dismissed the writ of certiorari obtained by Jesse Lewisohn after he had been held in contempt for refusing to tell the Grand Jury about his gambling at Canfield's.

Lewisohn based his refusal to answer on the provision in the Constitution that no person shall be compelled in any criminal case to be a witness against himself. Justice Ingraham says:

The right of a witness to refuse to answer a question upon the ground that it would tend to criminate him or subject him to a penalty or to disgrace or degrade him may be protected by a constitutional pro-vision, but it is within the power of the Legis-lature (except so far as the provisions of the Constitution may apply) to determine the extent and limit of the personal right of a witness.

extent and limit of the personal right of a witness.

The Legislature has power to require a witness to answer any question, except so far as he is protected by the Constitution; and it follows that if the answers to the questions asked cannot in any way be used against the witness in a criminal proceeding, the provisions of the Constitution are not violated.

We think there is no doubt that this statute does give the witness complete immunity from prosecution for any crime in relation to the acts about which he was interrogated, and if he has this immunity it necessarily follows that compelling him to answer in relation to the crime, although he was directly connected with it, does not compel him to be a witness against himself in a criminal proceeding.

pel him to be a witness against himself in a criminal proceeding.

Other questions before the court were whether the law, if applied to Lewisohn, has a retroactive effect, and, if so, whether the Legislature meant it to have a retroactive effect. Justice Ingraham thinks that it has no retroactive effect as applied to the present proceeding, begun since its passage. He says:

It esays:

It relates to a rule of evidence and does not bear at all upon the commission of the offence or the evidence necessary to prove it. It acts not upon the person charged with the offence, but upon a witness called to testify upon a judicial proceeding in relation to it; nor is the person charged with the crime entitled to object to a question asked on the ground that the answer would tend to incriminate the witness.

ground that the answer would tend to incriminate the witness.

This privilege is one clearly personal for the witness, and his right to refuse to testify depends upon the law in force at the time he is called and examined.

To justify his refusal to answer it must appear that at the time of the examination he was entitled to exercise his personal privilege, and if he was not, it was the duty of the court to require him to answer and to enforce obedience to its direction by proceedings for a contempt.

Justice Van Brunt and Patterson concur

Justice Van Brunt and Patterson concur and Justices McLaughlin and Laughlin "Statutes designed to affect past trans-actions usually have their origin in an im-proper motive and rarely accomplish any public good," says Justice McLaughlin. He holds, further, that the law does have a retroactive effect if applied to Lewisohn and that therefore it does not apply to him.

There are no words in the act of 1904 from which even an inference can be drawn that the Legislature ever intended it to apply to past transactions. A cardinal rule relating to the construction of statutes is that they are not to have a retroactive effect unless the Legislature so intended and such intent is expressed in clear and unambiguous words.

Jesse Lewischn would not talk about the case yesterday. H's counsel, Alfred Lauterbach, said that he would appeal at once, but added that if the Court of Appeals went against his client he did not think he would go beyond that.

"If the decision had been unanimous,"

"If the decision had been unanimous," said Mr. Lauterbach, "my advice to Mr. Lewisohn would probably have been 'Go ahead and answer.' But under the circumstances I feel that it is my duty to my client to appeal. Mr. Lewisohn simply wants to find out where he stands and whether his rights have been invaded. He has spent a good deal of time and money doing that."

The decision was hailed with delight by

doing that."

The decision was hailed with delight by Mr. Jerome's friends. Mr. Jerome is in Lakeville, but he was soon apprised of the decision. Mr. Rand, who is Acting District Attorney in Mr. Jerome's absence, said: "This decision opens the way for Can-field's indictment and punishment. But if they take an appeal, of course it will not charter the Court of Appeals until about Christmas, and a decision may not be expected for a month or two later. Then they can appeal to the United States Supreme Court."

Lewisohn refused to answer in John Doe Lewisohn refused to answer in John Doe proceedings directed against Canfield on the ground that it might incriminate him. The Appellate Division decided that he didn't have to answer. Then, at the behest of Mr. Jerome, Senator Dowling introduced the law which Lewisohn is fighting now. When it had been passed Lewisohn now. When it had been passed Lewisonn was subpensed in a proceeding before Justice Wyatt in Special Sessions on May 16 last. He refused to say whether or not he had played roulette in Canfield's Fortyfourth street house. He refused also to answer before the Grand Jury and he was committed for contempt.

committed for contempt. COL. R. F. GOTT DEAD. Was Known as the "Father of the 47th

Regiment"-Hada Long War Record. Col. Benjamin Frank Gott, a former well known resident of Brooklyn, died on Tuesday in his home at 349 Uppe Mountain avenue, Montclair, N. J., after a protracted illness, in his seventieth year. He had a long military career, which began as a private in the Eighth Regiment, New York National Guard, in 1850. At the breaking out of the civil war he recruited

a company for the Fifty-seventh Regiment, New York Volunteers, and also assisted n the formation of the Forty-seventh Regiment, State Militia. He was subsequently known as the father of the latter organization. In 1861 he went to the front as Captain in the Fifty-seventh Regiment, serving under Gen. McClellan until late in 1862, when he was commissioned Lieutenant-Colonel of the 147th Regiment, New York Volunteers, afterward being promoted to the command of the regiment He served with distinction until the close of the war.

He was engaged in the wholesale liquor business in New York and resided in the Seventh ward, Brooklyn. He was active in Democratic politics and was one of the founders of the Andrew Jackson Club, which still flourishes in the istrict. He served as one of the Charities Commissioners in Brooklyn from 1885 to 1893, and for the last four years was president of the board. He was a member of the Loyal Legion and several other military organ-izations. He is survived by his wife, a son and a daughter.

The funeral services will be held this afternoon at Montclair, and the burial will be in Greenwood Cemetery.

Obituary Notes. James G. Mageean, who was engaged in the

linen importing business, died yesterday of vphoid fever at the Skene Sanitarium rooklyn, in his thirty-eighth year. He was born in Ireland and came to this country eighteen years ago. He was a member of the Brooklyn Club and the Crescent Athleto Club. He had been living at the Hotel St. George for several years. His widow and other surviving relatives are in Ireland. other surviving relatives are in Ireland.

Col. Benjamin Frank Gott, who was at one time Charities Commissioner of Kings county, died at his summer home in Montclair on Tuesday in his seventieth year. Col. Gott was in command of the 174th New York Volunteers at the close of the civil war. He is survived by his wife, a son and a daughter.

John Zeigler, 70 years old, dropped dead at noon yesterday in his home on Paulding avenue, Tarrytown, N; I. He was a veteran of the civil war and an old resident of Tarrytown.

NEW AQUARIUM STARS. Pair of Fine Harber Seals—Brittlant Fish

Two frolicsome harbor seals from Booth bay, Me., were received at the Aquarium yesterday. They are installed in the pool so long occupied by the Aquarium favorite, Nellie, and later for a time by the seal

known here as Babe.

Director Townsend has for weeks had orders for seals placed at various points along the coast, but seals are not so plentiful in these latitudes as they used to be, and these two are the first that it has been possible to secure. In this harbor the seals have been driven away by the great increase of traffic, while to the eastward along the New England coast they have been almost exterminated, owing to the bounties offered for their destruction by State and county authorities on account of the injury supposed to have been wrought by them to the fishing industries.

These seals were captured for and sold to the Aquarium by Mrs. Jeannette McDonald of Boothbay, who, like her husband before her, has for years been engaged in the business of supplying seals for natural history collections and to trainers. Neither of these two seals is quite so big

as Nellie was, but they are both bigger than

was Babe. Shipped from Maine by express, and wet down with sea water oc-casionally on the way, they arrived in re-markably good condition, the smoothest and handsomest in appearance of any seals ever received here. They are each a little and handsomest in appearance of any seals ever received here. They are each a little over a year old. They took to the water is the pool kindly on their arrival and were active and playful at first. Later they became a little cross and nervous in their new surroundings and in the presence of so many people, as all seals do when first brought into captivity. It may be a week before they begin feeding well.

On Monday the Aquarium received its second shipment for the season of Ber-On Monday the Aquarium received its second shipment for the season of Bermuda fishes. The lot numbered 234 specimens and included twenty-one varieties. All have been seen here before, but this lot included a number of fishes very notable either for size or color, among those being some beautiful blue tang, a species of surgeon fish; two more handsome queen trigger fish and some notably handsome green parrot fishes and lady fishes, the most strikingly and strongly marked tiger rockfish the Aquarium has ever had, and orange and chocolate and ruby-colored coneys. Included in the lot were 100 angel

coneys. Included in the lot were 100 angel 3 ELLSWORTHS AT ONE HOTEL One of Them Registered as Benham-Di

vorce Case Behind Arrest? William M. Ellsworth of J. W. Ellsworth Sons, produce brokers at 19 Whitehall street, was arrested last night at the Monticello Hotel, 35 West Sixty-fourth street, where he has been living under the name of "W. Benham" since July 5. John M. Jupson, the manager of the hotel, is the omplainant. He called for the police and Detective Claude B. Isbell was sent around to the hotel.

Jupson said that Ellsworth came to the hotel on July 5 and engaged a room for a week. The week expired on Tuesday, and he was asked to vacate and give up his keys. He refused and insisted on re-maining at the hotel. Jupson said he had promised the room to some other person, but Elisworth declared he would not vacate. Last night Ellsworth returned to his room and found it bare of furniture. Then he had a quarrel with Jupson and the police were appealed to.

Detective Isbell heard that a contem-

Detective Isbell heard that a contemplated divorce proceeding was behind the whole row. Ellsworth, who had registered under the name of "Benham" was assigned to Room 95. The register shows that a Mrs. J. B. Ellsworth and her son, Ralph Marion Ellsworth, were registered at the end of yesterday's list of arrivals. One of the clerks admitted that Mrs. Ellsworth had been at the hotel for some time.

Ellsworth was balled by Rignal D. Woodward of 17 Battery place. ward of 17 Battery place.

HORSESHOER NEEDN'T REGISTER Labor Law Unconstitutional in Another

Spot-Blow at the License Craze. The statute requiring journeymen horseshoers to be registered was declared yes-Supreme Court to be unconstitutional. Samuel Beattie, was convicted of a misdemeanor for horseshoeing without a certificate filed in the County Clerk's office. showing that he had been duly examined and qualified as required under Article XII. of the Labor law. Beattle appealed on the ground that the statute deprived him of his liberty and property without due

process of law. Justice Hatch, writing the unanimous opinion of the court, says that the act can be constitutional only as coming under the police power of the State. He fails to see how the regulation of shoeing horses has any tendency to promote the health, comfort, safety and welfare of society, comfort, safety and welfare of society, and the law cannot be sustained on such a contention. Nor can it be pleaded that cruelty to animals might result if unregistered horseshoers are allowed to work. Such a requirement, says Justice Hatch, smacks of paternalism and is repugnant to free institutions. He holds that it arbitrarily interferes with personal liberty and private property without due process of law, and is for that reason invalid. Beattle's conviction is therefore reversed and he is discharged.

JOE LEITER FIGHTING UNIONS. Serious Situation in His New Mining Town

of Zeigler, Ill. BENTON, Ill., July 13.—The first trouble at Joe Leiter's new mining town of Zeigler is now on. Mr. Leiter has refused to pay the union mining scale for this district He has offered the miners what they claim is 17 cents per ton less than the scale, and he is said to want them to work ten hours. The miners have walked out. They say no union miner will work, and they intend to use all peaceable methods to keep nonunion miners from working. Mr. Leiter has ordered all the miners to leave his town by Wednesday. He owns all the land houses and business in Zeigler. He antici-

houses and business in Zeigler. He anticipates trouble, and has brought seventy-five Chicago policemen and detectives to Zeigler to protect the town around his mine and power plant. He has built a stockade with an electric wire top.

In eighteen months Zeigler has grown from a forest to a town of more than 1,000 inhabitants, and has 300 houses, a post office, bank, department store, waterworks and electric lights. The manager of the hotel was ordered to leave yesterday within twenty-four hours because he refused to board the seventy-five Chicago policemen. Mr. Leiter is personally on the ground directing movements.

LOTS IN ST. LAWRENCE COUNTY. New Game of Money Lender Firemen Joseph F. Campbell and Frank-

lin Ferguson of Brooklyn were recently tried

by Deputy Commissioner Doyle on com-plaint of a money lender named P. Smith, who asserted that they owed him for cash loaned. Ferguson said he got \$50 and paid back \$64. He also said the lender had introduced a new wrinkle in his business. To get a loan from him, a borrower had st. Lawrence county and agree to pay Smith monthly installments thereon. That was done, he said, to enable the lender to evade the usury laws. Commissioner Doyle ordered the men to pay. Ferguson hurried to the District Attorney's office and made a complaint against Smith.

Campbell said he borrowed the money to play the races and had paid up. The Deputy Commissioner yesterday dismissed the complaints. to go through the form of buying a lot in

ESTABLISHED NEARLY HALF A CENTURY FOR CLERGYMEN'S COMFORT 9 9 9

SOME clergymen have an idea that there is no diversity in Clerical Clothing. That's a mistake. Here are Summer

Frock and Sack Suits of

ASTOR PLACE AND FOURTH AVENUE

Worsted, Serge, Nun's Cloth.

Thibet and Cheviot, Oxford

and Silk Mixtures, plain

black. The prices are mod-



4.00 Natty English Splits and Sennits, 1.49 1.50 English Sen- .65

2.00 Splits and 4.00 Perto Rico 1.20 12.09 Ecuador Panamas reduced, 3.90



NO TRANSFERS AT 23D STREET

ON THE BROADWAY CORNER-AP-PELLATE DIVISION DECIDES.

Public Safety Forbids Transfers at Congested Points-Leased Roads Also Exempted by Law-Mr. Vreeland Says There'll Be Plenty of Continuous Routes That the New York City Street Railway Company (Metropolitan) need not give

transfers at all connecting points, and

specially at Broadway and Twenty-third street, is the decision of the Appellate Division of the Supreme Court. Henry R. Topham sued to collect \$100 penalty because of refusal to give him a transfer at Twenty-third street and Broadway. The Municipal Court decided against him, the Appellate Term reversed the

Municipal Court, and the Appellate Division reversed the Appellate Term. Justice Hatch bases his opinion on the broad rule that the public safety and convenience should be taken into account, and that it is proved that danger to traffic and person might result from a wholesale transfer system at such a crowded spot

as Twenty-third street and Broadway. Justice Ingraham, in a concurring opinion, says that the law requiring that transfers be given for a continuous trip does not apply to leased roads where the lease, as in this case, was executed prior to May 1, 1891, and such leased roads are expressly exempted from issuing transfers. Justices Van Brunt and Laughlin agree with this view, while Justice O'Brien dissents, holding that under the law the transfers must be given and the penalty should be exacted.

exacted.

In several other suits for penalties at other points, decided yesterday, the judgment awarding the penalty to the plaintiff is upheld, because the leases for the roads is upneid, because the leases for the roads involved were executed after 1891 and no danger to public safety was alleged. President Vreeland of the Street Railway Company said of the decision:

Company said of the decision:

It is very gratifying, not only because it disposes of several hundred suits for penalties, in the main instituted for private gain, but because it sustains the position which this company has maintained throughout the discussion of the transfer question. While I have not had an opportunity of reading the opinions or consulting counsel since the decision was rendered. I understand that it relieves the company from the obligation of transferring at a number of congested points, of which the intersection of Broadway and Twenty-third street and Broadway and Fourteenth street are conspicuous examples. The company has been anxious to avoid free transfers at such points, in order to reduce the congestion of traffic and the likelihood of accidents.

The public need not fear that as the result

the congestion of traffic and the likelihood of accidents.

The public need not fear that as the result of this decision the company will make any radical change in the policy which it has heretofree pursued in respect to transfers. We propose to continue the policy which we voluntarily inaugurated many years ago, of maintaining an extensive free transfer system by which our patrons may make trips between the various parts of Manhattan Island for a single fare of five cents. We simply desire to exercise the privilege of so directing and distributing the traffic under the transfer system as to divert traffic, so far as possible, from overcrowded lines like those on Broadway and Twenty-third street to lines on other streets where the traffic is less congested. The successful carrying out of this policy will benefit the public no less than the company.

MISS BRANDER MUSTN'T MARRY.

82,500. The will of Thomas V. Robinson queaths \$2,500 to the Institute of Missienary Priests of St. Paul the Apostle, for the education of Roman Catholic young men for the priesthood. The remainder of the estate is divided among cousins. One of them, Miss Mary Brander of Richmond. Va., gets \$2,500, with the proviso that she shall forfeit the bequest if she marries.

Or if She Does She Forfelts a Legacy of

